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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,765	03/16/2004	David O. Nelson	G11.005	3430
28062	7590	05/19/2006	EXAMINER	
BUCKLEY, MASCHOFF, TALWALKAR LLC 5 ELM STREET NEW CANAAN, CT 06840			NGUYEN, KIMBERLY D	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H:A

Office Action Summary

Application No.

10/801,765

Applicant(s)

NELSON, DAVID O.

Examiner

Kimberly D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-15 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

DETAILED ACTION

Amendment

1. Acknowledgement is made of Amendment filed February 28, 2006.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Foladare et al (US 5,914,472; hereinafter “Foladare”).

Re claims 1, 4-6, 9, and 14-15: Foladare teaches a method comprising receiving information identifying a payment account (the user of an ancillary transaction card request for a purchase of a merchandise and present the transaction card for payment; col. 4, lines 11+);

identifying a first authorization request that involved the payment account, where the first authorization request was declined for a previous purchase transaction (i.e., the purchased transaction request is not approved because the purchased transaction has exceeded the available credit for this ancillary card; see fig. 1, step 108; col. 4, lines 16-57); and

creating a manual authorization record associated with the payment account and the purchase transaction using information from the first authorization request (i.e., retrieving a phone number or pager number etc from a database to contact the account holder for to check the

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spending limits pre-approved; fig. 1, step 110+; col. 2, lines 48-67; col. 4, lines 35+), the manual authorization record allowing approval of a second authorization request involving the payment account and the purchase transaction (the card holder approves the transaction; fig. 1, step 116+; col. 4, lines 40+; col. 2, line 16 through col. 3, line 33).

Re claims 2 and 11: Foladare teaches the payment account is associated with a purchasing card issued to a purchasing entity having a program administrator (the central computer operator).

Re claims 3 and 12: Foladare teaches the manual authorization record is created in response to a request by the program administrator (the central computer operator initiates contact with the card holder to inform the card holder that the ancillary card is being used for a transaction, which has exceeded the allowed spending limit; col. 4, lines 40+).

Re claims 7-8: Foladare teaches an authorization method comprising receiving a request from a vendor/merchant to authorize a transaction involving a payment account identifier (the merchant swipes the card to initiate contact with the card service provider; col. 4, lines 11+), the transaction including terms;

confirming that the payment account identified by the payment account identifier is open; confirming that a manual authorization record is not associated with the payment account identifier; and

after confirming that a manual authorization record is not associated with the payment account identifier, authorizing the transaction if all of a plurality of account level or corporate level controls associated with the payment account identifier are met by the terms of the

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transaction (i.e., the purchased transaction request is within the available/predetermined credit for the ancillary card holder; col. 2, line 16 through col. 3, line 33; col. 4, lines 1-57).

Re claim 10: Foladare teaches an apparatus comprising
a processor (a processor is inherently included in the credit card spending authorization control system to process transaction requests, authorization process, etc.); and
a memory/database (col. 2, lines 59+) in communication with the processor and storing instructions for operating the processor to:
receive an authorization request message, the authorization request message identifying a payment account and terms of a transaction
declining the authorization request message based on a failure of the terms to comply with one or more account limitations associated with the payment account;
establishing a manual authorization record including information from the first authorization request message; and
authorizing a subsequent authorization request message associated with the payment account by comparing terms of subsequent transaction with the manual authorization record (col. 2, lines 16 through col. 4, line 57).

Response to Arguments

4. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection as set forth above.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is

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respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402.

The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KDN
May 14, 2006